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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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UNITED STATES OF AMERICA  
§  
§  
versus  
§  
STEVEN HINES  
§

CASE NO. 1:21-CR-65 (1)

**MEMORANDUM AND ORDER**

Pending before the court is Defendant Steven Hines's ("Hines") Motion for Consideration of Retroactive Time Credit (#132), wherein Hines challenges the manner in which the Federal Bureau of Prisons has calculated the length of his sentence.

Title 28 U.S.C. § 2241 gives the district court authority to grant a writ of habeas corpus where a state prisoner "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Section 2241 is correctly used to attack the manner in which a sentence is executed. *Tolliver v. Dobre*, 211 F.3d 876, 877 (5th Cir. 2000). Hines's challenge to the calculation of his sentence is a challenge to the execution of his sentence. Thus, Hines's claim is properly asserted in a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. It is therefore

ORDERED that Hines's motion (#132) is STRICKEN from the docket sheet of the above-styled criminal case, and the Clerk of Court is DIRECTED to file the motion as a new civil action. It is further

ORDERED that the new civil action shall be opened as petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and assigned according to the regular practice for allotment of newly-filed civil actions.

SIGNED at Beaumont, Texas, this 15th day of May, 2025.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE